

P-DDM-1006

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION OPIATE
LITIGATION

MDL No. 2804

Case No. 17-md-2804

This document relates to:

Judge Dan Aaron Polster

All Cases

DISCOUNT DRUG MART, INC. RESPONSES TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES

Time frame used is 2006 through the present in all responses, unless otherwise noted.

INTERROGATORIES

Interrogatory No. 1.

Please Identify the name, address, and DEA

registration number of each of Your distribution centers that shipped Opioids or Opioid Products to Customers in Ohio between January 1, 1990 to the present. Your answer should include any licensed or unlicensed distributor which you have an ownership interest in, as well as any non-owned distributors who shipped or delivered Opioids or Opioid Products on your behalf.

RESPONSE:

Discount Drug Mart
211 Commerce Drive
Medina, OH 44256 1331
PD0203377



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Interrogatory No. 2. Please identify all pharmacies that You shipped Opioids or Opioid Products to in Ohio between January 1, 1990 to the present. Your answer should include any licensed or unlicensed distributor which you have an ownership interest in, as well as any non-owned distributors who shipped or delivered Opioids or Opioid Products on your behalf.

RESPONSE: (limited to Summit and Cuyahoga Counties)

| | |
|----------|--|
| Cuyahoga | 15412 Detroit Avenue, Lakewood, OH 44107-3830 |
| Cuyahoga | 24485 Lorain Road, North Olmsted, OH 44070-2168 |
| Cuyahoga | 27300 Detroit Road, Westlake, OH 44145-2229 |
| Cuyahoga | 17815 Puritas Avenue, Cleveland, OH 44135-3819 |
| Cuyahoga | 4170 Fulton Road, Cleveland, OH 44144-1800 |
| Cuyahoga | 6160 Brecksville Road, Independence, OH 44131-1504 |
| Cuyahoga | 3889 East 71st Street, Cleveland, O 44105-7305 |
| Cuyahoga | 8191 Columbia Road, Olmsted Falls, OH,44138-2023 |
| Cuyahoga | 725 East 200th Street, Euclid, OH 44119-2501 |
| Cuyahoga | 6476 York Road, Parma Heights, OH 44130-3032 |
| Cuyahoga | 6148 Dunham Road, Maple Heights, OH 44137-4786 |
| Cuyahoga | 13123 Detroit Avenue, Lakewood, OH 44107-3005 |
| Cuyahoga | 5500 Wallings Road, North Royalton, OH 44133-3042 |
| Cuyahoga | 765 Alpha Drive, Highland Hts., OH 44143-2166 |
| Cuyahoga | 13919 Prospect Road, Strongsville, OH 44149-3833 |
| Summit | 4044 Fishcreek Road, Stow, OH 44224-5402 |
| Summit | 655 Portage Trail, Cuyahoga Falls, OH 44221-3001 |
| Summit | 711 Canton Road, Akron, OH 44312-2618 |
| Summit | 5863 Darrow Road, Hudson, OH 44236-3839 |
| Summit | 3100 Glenwood Blvd., Twinsburg, OH 44087-1271 |

Interrogatory No. 3. Please identify each Person in Your sales or marketing departments whose direct or indirect responsibilities included the sales and/or distribution of Opioid or Opioid Products in Ohio from January 1, 1990 to the present.

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Your answer should include any of Your executives or officers having direct reports whose sales or marketing responsibilities included Ohio.

RESPONSE: No one in our sales or marketing departments have/had direct or indirect responsibilities related to the sale or distribution of Opioid or Opioid Products.

Interrogatory No. 4. In conjunction with Request for Production No. 34 please identify any orders You received that were at any point identified as a possible Suspicious Order. For each of these possible Suspicious Orders provide:

- a. the date of said Suspicious Order and the Customer's Identity and address;
- b. a description of said order;
- c. whether said order was reported to the DEA;
- d. the due diligence You performed;
- e. the date of any halt and/or suspension order;
- f. the date said order was shipped or fulfilled; and
- g. the basis for the determination that said order was suspicious.

RESPONSE: None.

Interrogatory No. 5. Please Identify any Persons employed by You, or who received compensation from You, including any former employees, who reviewed or analyzed data regarding the distribution and/or dispensing of Opioids or Your Opioid Products, including data regarding prescriber, dispenser or Customer histories and trends for the state of Ohio from January 1, 1990 to present.

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RESPONSE:

**Tom Nameth
Jill Strang
Jason Briscoe
Pete Ratycz**

Interrogatory No. 6. Please Identify any data, including the source of that data, that You either currently use or previously used to study, review, or analyze the distribution and/or dispensing or use of Opioids or Opioid Products, including data regarding prescriber, dispenser or Customer histories and trends, and the Persons or entities who provide(d) that data.

RESPONSE:

**Distribution History (from John III database)
Receive History (from Condor and PioneerRx pms)
Store Dispensing (from Condor and PioneerRx pms)**

Interrogatory No. 7. Please Identify all pharmaceutical industry associations or organizations that provided education, information, services or had any involvement with the use, safety, efficacy, production, marketing, sale, dispensing or distribution of Opioid and/or Opioid Products that You are or were a member of, or to which You provided financial or other support, from 1990 to present. Additionally, Identify what if any positions Your employees, officers, or directors have held with any such organizations from January 1, 1990 to present.

RESPONSE: NACDS (no officer positions have been held by DDM employees)

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Interrogatory No. 8. Please Identify any Customer, including any Defendant in this case, to whom You provided (by sale or otherwise) data regarding the distribution and/or dispensing of Opioids or Opioid Products, and describe in detail the data You provided and the date that You provided the data. Plaintiffs limit this request to the state of Ohio from January 1, 1990 to present.

RESPONSE: None

Interrogatory No. 9. Please Identify all companies or Persons with whom you contracted or integrated with in order to assist any Customer with pharmacy automation, inventory, shipping, billing or claims submission relating to Opioids or Opioid Products.

RESPONSE: Condor and PioneerRx (pharmacy management systems)

Interrogatory No. 10. Please describe any marketing, branding, or advertising services that You provided to any Customer, including web based, mobile, or in-store advertising or marketing support. For each such marketing or other service or solution You provided, Identify the Customer to whom You provided the services and the dates during which You provided the service or solution.

RESPONSE: None

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Interrogatory No. 11. Please describe any supply chain services, supply chain management, supply chain safety, pharmacy services, provider and patient engagement programs, clinical trial support, patient assistance programs, co-pay assistance, coupon, reimbursement services, analytics, inventory management, data reporting, new product launch and chargeback administration, pharmacy management services, pharmacy benefit management solutions, medication therapy management and patient outcomes services or other services related to Opioids or Opioid Products that You provided to any Customer.

RESPONSE: None

Interrogatory No. 12. For each Customer who purchased or otherwise acquired Opioids and/or Opioid Products from You from January 1, 1990 to the present, please Identify that entity's threshold and/or Controlled Substance limit at the time of the Order and Identify all personnel who were responsible for establishing and/or approving any threshold or Controlled Substance limit as well as any overrides or modifications to any threshold or Controlled Substance limit for each such Customer.

RESPONSE: None

Interrogatory No. 13. Please Identify the date and location of each DEA or Ohio Board of Pharmacy meeting, training, information or education session, or briefing provided to You by the Diversion Control Division, or any other DEA or Ohio Board of Pharmacy employee(s), related to the distribution and/or dispensing of Controlled

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Substances, and Identify all Persons who were present for each meeting, training, informational or educational session and/or briefing.

RESPONSE: Too numerous to list here. The OBBP sign in sheets will be produced and identified with our document production this week.

Interrogatory No. 14. Please Identify all Persons who were responsible for administering, overseeing, developing, and/or implementing any and all policies, procedures, systems or programs designed to detect and report Suspicious Orders or to maintain effective controls against diversion of Controlled Substances from January 1, 1990 to present. This includes but is not limited to, Persons responsible for review, verification, approval and release of Suspicious Orders or orders of interest, as well as all Persons with the ability to override any system, from January 1, 1990 to present. For each Person listed, please provide their title and the time frame in which they served in a relevant position.

RESPONSE:

Tom Nameth
PJ Ferut
Jill Strang
Jason Briscoe
Pete Ratycz
Keith Miller

Interrogatory No. 15. Please Identify any contribution or payment You have provided to any 501(c)(3) organization, 501(c)(4) organization, Healthcare Distribution Management Association (HDMA), Healthcare Distribution Alliance (HDA), National

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Association of Chain Drug Stores (NACDS), National Association of Attorneys General, Republican Attorney General Association, and Democratic Attorney General Association and Federation of State Medical Boards from January 1, 1990 to present. This includes when the contribution/payment was made, the amount, and to whom it was made.

RESPONSE: Only annual dues to NACDS:

| | |
|------------|-------------|
| 12/09/2009 | \$13,503.50 |
| 12/13/2010 | \$13,305.50 |
| 1/23/2012 | \$15,308.00 |
| 7/05/2012 | \$1,280.00 |
| 11/19/2102 | \$15,730.00 |
| 12/16/2013 | \$15,834.00 |
| 5/04/2015 | \$15,834.00 |
| 2/10/2016 | \$17,420.00 |
| 11/2/2016 | \$18,460.00 |
| 1/17/2018 | \$19,045.00 |

Interrogatory No. 16. Please Identify each Person, other than a Person intended to be called as an expert witness at trial, who likely has discoverable information that tends to support a position or defense that You have taken or intend to take in this action and state the subject matter of the information possessed by that Person. This Interrogatory is intended to include but not be limited to any basis or claim You believe in any way limits your duties as set forth in 21 U.S.C. §823(e), 21 C.F.R. §1301.74(b), 21 C.F.R. §1301.71(a), and/or 21 C.F.R. §1306.04(a). Please also Identify any Documents that would support this position as well as the custodian of said Documents.

RESPONSE: Objection. Overly broad, unduly burdensome and ambiguous. Without waiving the objection, it is our belief that any potential witness described in this interrogatory are already named in these responses.

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Interrogatory No. 17. Describe in detail the corporate history of Your entities, parent companies, subsidiaries and/or divisions that have, or have had, any role in the manufacture, marketing, sale, dispensing and/or distribution of Opioids or Opioid Products from January 1, 1990 to present, including the name of the entity, the relationship to Discount Drug Mart, dates of acquisition or changes in relationships, and Identify the Persons or entities who hold or have assumed any known or unknown liabilities of each such entity, subsidiary, or division in relation to Opioids or Opioid Products.

RESPONSE:

Discount Drug Mart, Inc.

- incorporated August 13, 1968
- regional drugstore chain (Ohio only)
- distribution facility does not have Schedule II license
- distributes only to our wholly owned pharmacies

Immediate Pharmaceutical Services, Inc.

- incorporated April 2, 1985
- sold 2008
- mail order prescription pharmacy dispensing maintenance medications
- did not have a Schedule II license

Interrogatory No. 18. From January 1, 1990 until the present, has any state Board of Pharmacy or any city or county or multi-district administrative agency investigated or instituted an adverse action or filed a complaint against You concerning Your distribution of Controlled Substances? If so, identify:

- a. the state Board of Pharmacy or other government entity;

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- b. the nature of the action(s) or complaint(s);
- c. the date the action began or complaint was filed or served on You;
- d. the final outcome if completed or resolved; and
- e. the location of the action and any identifying number.

RESPONSE: None

Interrogatory No. 19. Please Identify any and all of Your current and/or former employees who have ever been employed by the DEA, FDA or any Federal or Ohio governmental entity. For each such Person, state their position, job description and dates of employment at the governmental entity and with You.

RESPONSE: None of which we are aware.

Interrogatory No. 20. State whether You have ever had any involvement, role, or relation, directly or indirectly, financial, or otherwise, with the marketing, advertising and/or promotion of any Opioid or Opioid Products conducted and/or directed by any manufacturer of Opioids or Opioid Products, from 1990 to the present. If so, state the manufacturer, the date or dates of any such advertising, marketing and/or promotion and the nature of your involvement.

RESPONSE: None

Interrogatory No. 21. Describe in detail all services You provided to payors or any other Customer with respect to the reimbursement for any cost associated with

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the provision and/or sale and/or dispensing of Opioids or Opioid Products. For each such service or solution, provide:

- a. the Identity of the payor or Customer;
- b. whether the payor or Customer does business directly or indirectly in Cuyahoga and/or Summit Counties in Ohio; and
- c. the Identity of the Person or Persons responsible for the provision of said service or solution.

RESPONSE: None

Interrogatory No. 22. Describe any and all research, study, and/or efforts You have undertaken or been associated with to understand the safety, efficacy, diversion, prescription and/or use of Opioid or Opioid Products, from 1990 to the present.

RESPONSE: We stay up to date with all licensing, accreditation, continuing education requirements and follow the FDA, DEA, and OSBP guidelines to understand the safety, efficacy, diversion, and/or use of Opioid or Opioid Products

Interrogatory No. 23. Describe any and all educational, information and/or other programs You have provided to any Customer and/or pharmacy/dispenser that You own and/or control or other Person, that address diversion, safety, efficacy, misuse and/or prescription of Opioids or Opioid Products, from 1990 to the present.

RESPONSE: See response to Interrogatory 13. Will supplement.

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Interrogatory No. 24. Identify all internet pharmacies that You distributed Opioids or Opioid Products to, and additionally provide the following information:

- a. the Opioids or Opioid Products distributed; and
- b. total sales and/or amount distributed by month and year for each Opioid or Opioid Product from 1990 to present.

RESPONSE: None

Interrogatory No. 25. Describe any and all services, information and/or recommendations that You provided to any Customer relating to the sale, prescription filling, dispensing and/or reimbursement of any Opioid or Opioid Product relating to, duration and/or dosing interval.

RESPONSE: There are no customers (as you define them) to whom we furnish services.

Interrogatory No. 26. Please Identify for all Your subsidiaries, affiliates, etc. who were involved in distributing Opioids or Opioid Products in the State of Ohio the following;

- a. Board of Directors;
- b. Senior management;
- c. Person in charge of detecting and preventing diversion;

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- d. All Persons employed by that exact entity involved in detecting and preventing diversion;
- e. Total number of employees; and
- f. Address of each facility.

RESPONSE:

Discount Drug Mart, Inc.

- a. **Donald Boodjeh, Douglas Boodjeh, David Boodjeh, John Gans, Thomas McConnell & Mike EBY.**
- b. **Donald Boodjeh - CEO
Douglas Boodjeh - COO
John Gans - President
Michael Eby - CFO
Thomas McConnell - CFO Emeritus**
- c. **Peter Ratycz**
- d. **All pharmacy employees are responsible for detecting and preventing diversion.**
- e. **Approximately 4050.**
- f. **211 Commerce Drive, Medina, OH 45256**

Interrogatory No. 27. Describe the compensation system for all individuals whose compensation related to the sale or distribution of Opioids or Opioid Products. Please describe whether the compensation is a fixed salary and/or hourly or if it varies based upon volume and/or type of drugs sold and/or profitability.

RESPONSE: We have no employees with compensation tied to the sale or distribution of Opioid or Opioid Products. All employees in our Distribution

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Center are either hourly or fixed salary with no incentives, bonuses, or raises (annual or merit) tied to the sale or distribution of Opioid or Opioid Products.

Interrogatory No. 28. Describe any joint ventures, collaborations, co-marketing initiatives, teaming agreements, or other similar agreements between You and any other Defendants in this matter.

RESPONSE: None

Interrogatory No. 29. Describe Your policies, procedures and systems in place which are designed to capture reporting about state and federal compliance issues relating to Opioids or Opioid Products. To the extent these changed over time, provide dates of substantive changes or implementation dates for new programs, policies or initiatives.

RESPONSE: See response to Interrogatory 13. Will supplement.

Interrogatory No. 30. Provide the names of employees or third parties who reported to You, any suspicion or belief that You were in violation of the Controlled Substances Act. For each such person provide the names, titles, dates of report and method used to report.

RESPONSE: None

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STATE OF OHIO

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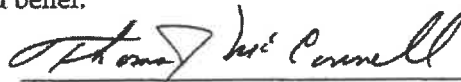
)SS:

VERIFICATION

COUNTY OF MEDINA

)

I, THOMAS MC CONNELL, being first duly sworn according to law, depose and state that I have read the foregoing Answers to Interrogatories the same are true to the best of my knowledge, information and belief.



THOMAS MC CONNELL

SWORN TO BEFORE ME and subscribed to in my presence, this 29TH day of October, 2018.



NOTARY PUBLIC



MARCIA G. RAGER
NOTARY PUBLIC, STATE OF OHIO
COMMISSION EXPIRES JULY 6, 2020

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As to all objections: /s/Timothy D. Johnson

Respectfully submitted,

/s/Timothy D. Johnson
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CERTIFICATE OF SERVICE

A copy of the foregoing DISCOUNT DRUG MART, INC. RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES was sent via email this 29th day of October, 2018 to Liaison Counsel:

david@specialmaster.law

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ALL DEFENDANTS SERVICE is
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/s/ Timothy D. Johnson
Timothy D. Johnson (0006686)